

Application No. 09/391,606

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REMARKS/ARGUMENTS

The Examiner rejected claims 1, 6, 10 to 12 and 18 to 20 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

The Examiner raised a number of issues:

(a) The Examiner considered the phrase "said several nucleotide sequence encodes the 76 kDa protein having a molecular size of about 35 kDa and having SEQ ID No. 7" as used in claim 10, to be vague. The Examiner's kind suggestion of alternative language has been adopted.

(b) The Examiner considered the phrase "said second nucleotide sequence encodes the 76 kDa protein having a molecular size of about 60 kDa and having SEQ ID No: 8 or 9" to be vague. Again, the Examiner's kind suggestion of alternative language has been adopted.

(c) The Examiner considered the phrase "said first nucleotide being selected from those having SEQ ID Nos: 12, 13 or 14, 15 and 16" to be vague. The Examiner's kind suggestion for revision to the claim language has been partially adopted insofar as SEQ ID Nos: 12, 13 and 14 are concerned.

The Examiner is correct that SEQ ID Nos: 15 and 16 are protein sequences. Accordingly, claim 1 has been amended to make it clear that the first nucleotide sequence may encode a protein having SEQ ID No: 15 or 16, as recited in original claim 5.

(d) The Examiner considered the phrase "said second nucleotide sequence being selected from those having SEQ ID Nos: 1, 2, 3 or 4" to be vague. The Examiner's suggestion for alternative language has been adopted.

(e) The Examiner considered the phrase "upon administration of the composition to the host is not adversely affected by the other" to be vague. It is

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believed that the original language is clear that the term "the other" refers to the vectors of claim 1, since only two vectors are mentioned in the claims and the reference "to the protective effect of each vector" earlier in the claims.

Nevertheless, claim 19 has been amended to refer to the protective effect of the first vector is not adversely affected by the second vector and the protective effect of the second vector is not adversely affected by the first vector.


Having regard to the above and the revisions made to the claims, it is submitted that all claims now fully comply with the provisions of 35 USC 112, second paragraph, and hence the rejection of claims 1, 6, 10 to 12 and 18 to 20 as being indefinite should be withdrawn.

The Examiner rejected claim 19 under 35 USC 112, first paragraph, on the basis that the specification lacked enablement for the claims. The rejection appears to be based wholly on the Examiner's interpretation of the term "the other" as encompassing vectors which not both the plasmid vectors mentioned in claim 1. As noted above, with respect to the rejection of claim 19 under 35 USC 112, second paragraph, the claim language has been amended to avoid any such interpretation.

Accordingly, it is submitted that claim 19 is fully-enabled and hence the rejection thereof under 35 USC 112, first paragraph, should be withdrawn.

It is believed that this application is now in condition for allowance and early and favourable consideration and allowance are respectfully solicited.

Respectfully submitted,


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